

HOWARD WALTER THOMAS,	)	
	)	
Petitioner,	)	
v.	)	3:10-cv-22
	)	<i>Judge Phillips</i>
	)	
HAROLD CARLTON, Warden,	)	
	)	
<i>Respondent.</i>	)	

In accordance with the accompanying Memorandum, the petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED WITH PREJUDICE**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

s/ Thomas W. Phillips  
United States District Judge

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